Road through the McLean County Legal System

GRAND JURY HEARING

Prosecution may opt to have a panel of citizens listen to charge and determine whether there is probable cause to bring a suspect to trial. An indictment is a formal accusation. In McLean County, most Felony cases are presented to the Grand Jury.

The Grand Jury generally **CUSTODY HEARING** The suspect in a AND ARRAIGNMENT crime is placed in legal custody. The charge is read to

the defendant, who then must enter a plea. Bond and a date for the preliminary hearing are set

hears a case within 30 days after the suspect was arrested or charges were filed. This hearing is closed to the public and the

defendant is not present.

PRELIMINARY HEARING

If the case is not presented to the Grand Jury, the judge hears testimony to determine whether there is enough evidence to bring a defendant to trial. The defendant is present at this hearing.

be set. However, a continuance may be requested, or a plea **FELONY** of guilty may be **ARRAIGNMENT** presented to the court.

Defendant again enters a plea and the case is assigned to a trial judge.

PRETRIAL MOTIONS

Lawyers may argue the legality of evidence, fairness of the proceedings thus far, etc.

STATUS HEARING

case. The defense and the Prosecution and State announce if they are ready for trial and a trial date may

TRIAL

A defendant may choose to have either a Bench trial (trial before a judge alone) or a Jury trial. If a defendant is in custody, he/she must be brought to trial within 120 days of their arrest unless the defendant moves to continue the

defense attorneys state what they intend to prove. Lawvers present all evidence for their sides including documents, weapons, clothing, and witnesses.

MISTRIAL

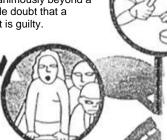
Declared if the judge believes the jury has heard improper evidence or the trial appears unfair in any way. Unless the mistrial was the result of some wilful act by the prosecution, the case will be retried from the beginning.

SENTENCING

The judge sets the date and determines the penalty. In a capital murder case, the defendant can choose to have a jury decide whether or not the defendant shall receive the death penalty.

VERDICT

The jury deliberates the case. They may be sequestered kept in isolation - to prevent the flow of outside information. The jury must agree unanimously beyond a reasonable doubt that a defendant is quilty.



HUNG JURY

If the jury cannot reach a unanimous decision of guilty, then a hung jury is declared, which results in a mistrial and the case can be retried.

APPROXIMATE TIME TABLE

ARREST

Arrest - Grand Jury: 30 days Arrest - Arraignment: 4 to 6 weeks

Arrest – Trial: 6 months to 1 year *If the defendant is in custody, 8 weeks to 4 months